

HOUSE BILL REPORT

SSB 6453

As Reported by House Committee On:
Education

Title: An act relating to the release of education records to the department of social and health services.

Brief Description: Clarifying the timeline for release of education records to the department of social and health services.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Tom, McAuliffe, Rasmussen, Oemig, Kline and Shin).

Brief History:

Committee Activity:

Education: 2/26/08 [DP].

Brief Summary of Substitute Bill

- Requires that the education records of students who are dependent be transmitted to the Department of Social and Health Services within two school days after the record request is received.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 8 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, Lias, Santos and Sullivan.

Staff: Cece Clynch (786-7195).

Background:

In a dependency proceeding, a child may be placed temporarily outside his or her home, with the Department of Social and Health Services (DSHS) overseeing the child's care and supervision.

The federal Family Educational and Privacy Rights Act (FERPA) generally prohibits educational agencies and institutions which receive federal funds from releasing educational

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records without parental consent. The FERPA contains a few exceptions to the general rule, including a provision which allows disclosure pursuant to state statute if: (1) the disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released; and (2) the officials to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the student's parent.

Since 1980, Washington has had in place a statute which allows the release of education records to the DSHS, provided that the DSHS certifies that it will not disclose to any other party the education records, without prior written consent of the parent or student, unless specifically authorized to disclose the records under state law. The state law specifically authorizes the DSHS to disclose educational records it obtains to a foster parent, guardian, or other entity authorized by the DSHS to provide residential care to the student.

The law does not specify a time within which these records must be provided to the DSHS.

Summary of Bill:

Education records of students who are dependent under the "Juvenile Court Act-Dependency and Termination of Parent-Child Relationship" must be transmitted to the DSHS within two school days after the request is received from the DSHS.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Being able to access school records in a timely manner is critical for understanding the needs of the child in foster care and preparing plans which are in the child's best interest. Currently, fewer than 30 percent of the school districts respond to the DSHS records requests quickly.

(Opposed) None.

Persons Testifying: Laurie Lippold, Children's Home Society of Washington.

Persons Signed In To Testify But Not Testifying: None.